

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

In re:)	09-md-2104
IKO ROOFING SHINGLE PRODUCTS)	MDL Docket No. 2104
LIABILITY LITIGATION)	ALL CASES

ORDER

A routine telephone status conference was held on March 12, 2010. The plaintiffs appeared through Jon D. Robinson, Esq., Charles Schaffer, Esq., Robert K. Shelquist, Esq., and Clayton D. Halunen, Esq. The defendants appeared through Christopher M. Murphy, Esq.

Michael Pope, Esq., attended the conferences on February 17, 2010, and March 12, 2010. He has not filed an entry of appearance in this case. If he wishes to be included in future proceedings, he must file his entry of appearance.

The court questioned the parties as to Paragraph IV of Case Management Order #1 [24], relating to the court's jurisdiction over defendant IKO Industries, Ltd., a Canadian entity. Counsel reported that IKO Industries, Ltd., agrees that it is subject to the jurisdiction of the court, but left open the possibility that it would seek to dismiss claims on other grounds. Counsel has not yet entered an appearance for IKO Industries Ltd.; he must do so forthwith.

A review of the dockets in the underlying cases indicates that some documents appear as pending motions. These documents were filed in the individual cases well before consolidation by the Judicial Panel on Multi-District Litigation. On June 26, 2009, the defendants filed a motion for extension of time, to July 14, 2009, to respond to plaintiff Zanetti's complaint [7].¹ The defendants filed subsequent motions for extension of time, Zanetti filed amended complaints, and the court eventually granted a motion allowing the defendants thirty days after the Judicial Panel determined the location for the consolidated cases [19]. On October 13, 2009, the court entered an order staying proceedings pending the Judicial Panel's decision [24]. It does not appear that an answer has ever been filed in the Zanetti case, nor has a further extension of time been requested. The defendants are ordered to file their answer within twenty-eight days of the date of this order. The motion for extension of time [7] is moot. Judge Shipp's order of July 2, 2009, was inadvertently docketed as a motion. The clerk is directed to remove the pending motion designation on d/e 8.

¹ The motions are cited as docket entries in the underlying cases in this district, Case No. 09-2293 (Zanetti) and 09-2298 (McNeil), though the motions may have been filed in the original cases.

Several of the court's orders that were docketed in the McNeil case are also designated as pending motions. This surely is incorrect. Both "motions" are minute entries entered by Judge Der-Yeghiayan, in which he ruled on pending motions. These minute entries cannot themselves be pending motions. The clerk is directed to remove the motion designation on d/e 22 and d/e 25 in the McNeil case, No. 09-2298. Again, it seems that no answer has been filed in the McNeil case. The defendants are ordered to file their answer within twenty-eight days of the date of this order.

There are no documents misnomered as pending motions in the other four consolidated cases, No. 09-2295 (Czuba), No. 09-2307 (Hight), No. 09-2315 (W. Curler), and No. 09-3281 (B. Curler). However, a brief review of the docket in each case indicates that the defendants have not answered the plaintiffs' original or amended complaints. They must do so within twenty-eight days of the date of this order.

The next status conference will be held on April 9, 2010, at 10:00 a.m.C.D.T. by telephone conference call. The court will initiate the call.

Entered this 15th day of March, 2010.

s/ Harold A. Baker

HAROLD A. BAKER
UNITED STATES DISTRICT JUDGE